

10-12-01 A Sector / \$
Attorney Docket No. 01149/HG

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Applicant(s): Yuki ABE et al

Serial No. : 09/836,705

Filed : April 17, 2001

: GENES FROM A GENE
CLUSTER

Art Unit : 1645

**FILING MISSING DECLARATION UNDER
37 CFR 1.53(f)**

Assistant Commissioner for Patents

S I R :

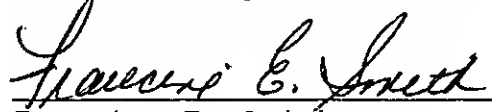
The NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION - FILING DATE GRANTED dated October 9, 2001 (copy enclosed), specified that the Oath or Declaration had been omitted and required that it be filed within two months from October 9, 2001, the mailing date of said NOTICE.

Enclosed herewith is the executed Declaration dated May 31, 2001. Please enter it in the file of the above-identified application.

Please apply the enclosed check in the amount of \$130.00 as the surcharge for filing the Declaration on a date later than the filing date of the application.

"Express Mail Mailing Label
No.: EL 797383786 US

Date of Deposit: October 11, 2001
I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231


Francine E. Smith

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee or any other fee required in connection with this paper, to Account No. 06-1378.



The requirement set forth in said NOTICE concerning the "Sequence Listing" will be responded to later during the term ending December 9, 2001.



Respectfully submitted,

A handwritten signature in black ink, appearing to read "Herbert Goodman", written over a horizontal line.

HERBERT GOODMAN
Reg. No. 17,081

Frishauf, Holtz, Goodman,
Langer & Chick, P.C.
767 Third Avenue - 25th Floor
New York, NY 10017-2023
Telephone: (212) 319-4900
Facsimile: (212) 319-5101
HG/fs

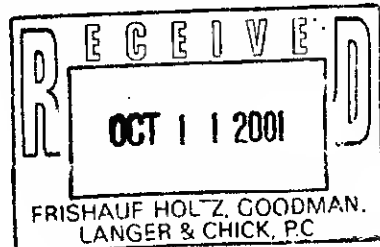


UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/836,705	04/17/2001	Yuki Abe	01149/HG

01933
FRISHAUF, HOLTZ, GOODMAN &
LANGER & CHICK, PC
767 THIRD AVENUE
25TH AVE
NEW YORK, NY 10017-2023



CONFIRMATION NO. 7090

FORMALITIES LETTER



OC000000006862932

Date Mailed: 10/09/2001



NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

10/16/2001 HBELET1 00000052 09836705 130.00 0P
01 FC:105

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov



A copy of this notice MUST be returned with the reply.

AA

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE